Supreme Court, U.S.
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NO.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

OLA ALLEN, PH.D., PETITIONER

VS.

E. C. SHRUM, ETAL, RESPONDENTS

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

OLA ALLEN, Ph.D.
PRO SE
P. O. BOX 6706
LONGVIEW, TX 75608

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Questions Presented:

1. The U.S. 5th Circuit, U.S. District Court, District Court and Municipal Court refused to uphold the U.S. Constitution re Hud's findings of 7-29-82, 8-16-82, Hunter, M.D.G.P., Liu, M.D. Orthopaedic Surgeon, Risner, D.C., Longview Regional Hospital - Sports Medical-Physical Therapy, A-Tech Medical - Supplies for the Tens Units, Drug Emporium Pharmacy, K & B Pharmacy, Witnesses of Watsoever Nature, Certifications of Petitioner, Suppliers and witnesses...Why did the U.S. 5th Circuit not allow all of this information with Strict Proof thereof as a Matter of Constitutional Law?
2. What are Hud's findings of 7-29-82

and 8-16-82, Hunter, M.D.G.P., Liu, M.D. Orthopaedic Surgeon and ETAL named above herein and the records?

3. Judges Reavley, Gee, Randall, Tate, Clark, Poltiz, King, Garza, Jolly, Davis, Smith, Steger, Parker, Guthrie, Khoury, Vascoeu and Dunn departed from the accepted and usual course of Judicial Proceedings and calls for this court's power of constitutional supervision re Ola Allen, PH.D. Petitioner Pro Se Civil rights violations, because of my race, color, sex, PH.D. Pro Se, submitted the truth and nothing but the truth with Strict Proof thereof and I am right as a Matter of Constitutional Law...Why did all of these prejudice and bias judges further racism, rape, slander,

defamation to my character, ETC. upon and against me; instead of upholding the U.S. Constitution?

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1. E.G. (P1.EX. 14; R., 199, 2134) and all pages of Whatsoever Nature in the records...

2. E.G. (J.A. 12), (R.12) and all pages of Whatsoever Nature in the records...

Respondents Continue As Follows:

Super One Foods, Kathy R. Ogle, Sidney W. Clyburn, D/B/A Heritage Homes, Longview Savings and Loan Association AKA American Federal Bank, F.S.B., Lawyers Title Agency - Jack Findley Owner AKA Professional Title Land Services - Elizabeth Foulton, James G. and Carol T. Heller, Union Modern Mortgage Corporation, LPD - City of Longview, Charles A. and Jean C. Reeves, Gregg Abstract Company, Longview Savings and Loan Association AKA, American Federal Bank, F.S.B., again, Fleetwoood Insurance, Aetna Insurance, Risner, D.C. and City of Longview again...

Below is a list of all parties to this proceeding whose judgments is to be reviewed as follows:

1. Petitioner, Hunter, M.D.G.P., Liu, M.D. Orthopaedic Surgeon, Risner, D.C., Browne, M.D., Holman, M.D., all suppliers, and witnesses, Justice Kennedy, Judges Justice, Reavley, Clark, Parker, Steger, Guthrie, Court of Appeals - Texarkana, Texas, Starr, J.P. Court, Welge, Court of Criminal appeals of the State of Texas, Khoury, Vascoeu, Dunn, Gee, Randall, Tate, Poltiz, King, Garza, Jolly, Davis, Smith, Hud, each Respondent, each attorney and ETAL in each Civil Rights Complaint with Strict Proof thereof, of Whatsoever Nature, all pages, issues of racism, rape, ETC. as a Matter of Constitutional Law beyond

a shadow of a doubt - so help me God...

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15. All documents, witnesses, Petitioner, certifications, Respondents, attorneys, various judges and ETAL and pages of Whatsoever Nature in 6:91CV42-91-4591, 6:82-49-CA-83-2059, 6:90-321-CA-91-4668 and 6:91CV151-91-4840 - pages i-106a...

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3. Rule 4 - Summons and returns, ETC. - pages i-106a...

4. All Civil Rights Complaints, all

documents, exhibits of whatsoever Nature, Rule 4, - Petitioner refuses to go before Judges Reavley, Clark, Steger, Parker, Guthrie, Gee, Randall, Tate, Poltiz, King, Garza, Jolly, Davis, Smith, Khoury, Vascoeu, Dunn - now and in the future - pages i-106a...

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10. Companion Cases - 6:82-49-CA-83-2059, 6:90-321-CA-91-4668, 6:91CV151-91-4840 Hud's Final Investigation Reports of 7-29-82 and 8-16-82 - pages i-106a...

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16. No Ad Testificandum - Ulmer v. Chancellor - 691 F.2E pages 209,

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29. Cities, Towns and Villages, ART, 1200 HH Sections 10-11 - pages i-106a...

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31. All pages of all documents of Whatsoever Nature in the records - pages i-106a...

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1. E.G. (P1.EX. 14; R., 199, 2134) and all pages of Whatsoever Nature in the records...

2. E.G. (J.A. 12), (R.12) and all pages of Whatsoever Nature in the records...

Reference To The Official and Unofficial Reports of Opinions Delivered In These Civil Actions By Another Court and Administrative Agency As Follows:

1. U.S. 5th Circuit, U.S. District Court, District Courts, Municipal Court, Texas State Appellate Court and Texas State Courts of Criminal Appeals.
2. J.P. Court Precinct 2 Judgments of 12-5-89 in 6:91CV42-91-4591 and 6:91CV151-91-4840.
3. Texas Board of Chiropractic Examiners Letter of 5-29-90 in 6:91CV151-91-4840.
4. Hud's Final Investigation Reports of 7-29-82 and 8-16-82 in 5:82-49-CA-83-2059.
5. There are no unofficial reports and opinions delivered by another court or administrative agency in the

above named Civil Actions of Whatsoever Nature.

Statement Of The Grounds On Which The Jurisdiction Of This Court Is Invoked As Follows:

1. Ola Allen, PH.D. Petitioners Pro Se Petitions this court for Writ of Certiorari based on my Civil Rights violations from 1979 to the Present, because of my race, color and sex, PH.D. Pro Se and the truth and nothing but the truth with Strict Proof thereof, unable to obtain justice in the lower courts, in the interests of justice and as a Matter of Constitutional Law, ETC. judgments and opinions from J.P. Court of 12-5-89, Texas Board of Chiropractic Examiners Letter of 5-29-90, U.S. District Court judgments, U.S. 5th Circuit,

Judgments, Judges Khoury, Vascoeu and Dunn judgments...Calls for this Court's Exercise Power of Supervision is greatly needed in the name of God, interests of Justice, and Constitutional Law, as the lower courts departed from the accepted and usual course of Judicial Proceedings, beyond a shadow of a doubt - so help me God with No Strict Proof thereof as a Matter of Constitutional Law so help me God...

2. There is no date of any order respecting a rehearing, extension of time within which to file Petition for Writ of Certiorari at this time...

3. Express reliance upon Rule 12.3 does not apply to the Petitioner at this time in the above named Civil Actions...

4. The statutory provisions as a Matter of Constitutional Law to confer on this Court's Jurisdiction to review the Judgments, orders and opinions of whatsoever Nature re the many violations re my Civil Rights that are Constitutional Questions by Writ of Certiorari from 1979 to the present as follows:

1. Companion Cases - 6:82-49-CA-83-2059, 6:90-321-CA-91-4668, 6:91CV151-91-4840 and Hud's Final Investigation Reports of 7-29-82 and 8-16-82...No jury trial on the merits and all issues re racism, rape, ETC...
2. Constitutional Amendments #1, #5, #7, #8, #9, #10, #11, #13, #14, #15, #19, ETC...
3. Local Rule 4 - The Law on Said Summons, Complaints and Returns

and all documents of whatsoever

Nature and ETAL...

5. U.S. District Court Civil Cover Sheet Laws for filing and submitting lawsuits under these laws taken from U.S. Constitution - #110, #190, #360, #362, and #440, ETC.
   1. #110 - Insurance...
   2. #190 - Other Contract...
   3. #360 - Other Personal Injury...
   4. #362 - Personal Injury - Medical Malpractice...
   5. #440 - Other Civil Rights...

Rule 4 - Law on Said Summons states:

14. "An answer to the complaint which, is here with served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment By Default will be taken against you for the relief demanded in the complaint" ...No exceptions...

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1. E.G. (P1, EX. 14. R; 199, 2134) and all pages in the records of Whatsoever Nature...

2. E.G. (J.A. 12),. (R. 12) and all pages of Whatsoever Nature...

15. FRCIVP 12 Defenses and Objections - when and how presented - by pleading or motion - motion for Judgment on the Pleadings (A) when presented. A Defendant shall serve an answer within 20 days after the service of the summons and complaint upon the Defendant, except when service is made under Rule 4 (E) and a different time is prescribed in the order of Court under the statute of the U.S. or in the statute or rule of court of the state, ETC. The service of a motion permitted under this rule alters these periods of time as the court: (1) if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 10 days after notice of the court, ETC.

16. Rule 6 Time (A) computation. In computing any period of time prescribed or allowed by these rules, by the local rules of any district court, by order of court, or by any applicable statute, the day of the act, or event, or default from which the designated period of time begins to run shall not be included, ETC.

17. #31.004 - Effect of Adjudication In Lower Trial Court, Vernon's Annotated Civil

Practice and Remedies Code:
"(E) A judgment or a determination of facts or law in a proceeding in a lower trial court is not res judicata and is not a basis for estoppel by judgment in a proceeding in a district court."...

18. Law on Recusal and Disqualification - 28 U.S.C. #144 and #455 - requires a ruling by the judge as follows:
#144. Bias or prejudice of Judge.
"Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made

in good faith." #455. Disqualification of Justice, Judge or Magistrate.
(a) Any justice, judge or Magistrate of the U.S. shall disqualify himself in any proceeding in which his impartially might reasonable be questioned.
(b) He shall also disqualify himself in the following circumstances:

1. Where he has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary, and facts concerning the proceeding;
2. Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it, ETC...
3. Ulmer v. Chancellor 691 F.2E - pages 209 - 212-213 (1982)
   2. Civil Rights #13.12(6) Pro Se Civil Rights Suit brought by former county jail prisoner, alleging that unsanitary conditions and inadequate facilities at jail deprived him of his federal constitutional rights, did not appear to be frivolous in so far as

it sought damages. 42 U.S.C.A. #1983...

5. Civil Rights #13.15 Civil Rights Complaint has no right to automatic appointment of counsel - I made application and I was refused...

6. Civil Rights #13.15 Trial Court is not required to appoint counsel for indigent Plaintiff asserting claim under federal statute governing civil action for deprivation of rights unless case presents exceptional circumstances. 42 U.S.C.A. #1983.

10. Civil Rights #13.15 Federal District Court in determining whether to appoint counsel for former county jail prisoner in his Pro Se Civil Rights Suit for alleged deprivation of his Federal Constitutional Rights by unsanitary conditions and inadequate facilities at jail should consider whether appointment of counsel would be service to him and perhaps, court and defendant as well, by sharpening issues in case, shaping examination of witnesses and thus shortening trial and

assisting in just determination. 28 U.S.C.A. #1915(D); 42 U.S.C.A. #1983.

11. Judicial Conduct and Disability Act of 1980 - Title 28 - Judiciary and Judicial Procedure #372. Retirement for Disability; Substitute Judge on failure to retire, judicial discipline. (A) Any Justice or Judge of the United States appointed to hold office during good behavior who becomes permanently disabled from performing his duties may retire from regular active service, and the President shall, by and with the advice and consent of the Senate, appoint a Successor.

Any Justice or Judge of the United States desiring to retire under this section shall certify to the President his disability in writing.

Whenever an Associate Justice of the Supreme Court, a Chief Judge of a Circuit or the Chief Judge of the Court of International Trade, desires to retire under this section, he shall furnish to the President a Certificate of disability signed by the Chief Justice of the United States.

A Circuit or District Judge, desiring to

retire u... this section, shall furnish to the Pr sident a Certificate of Disability signed by the Chief Judge of his Circuit...

12. Cities, Towns and Villages - ART 1200 HH Section 10-11 - Page 151 - Motion for A New Trial and Notice of Appeal:
"In order to perfect an appeal, a written motion for new trial must be filed by the Defendant no later than the 10th day rendition of the judgment of conviction, and may he amended by leave of court at anytime before it is acted on within 20 days after it is filed. The motion for new trial shall be presented to the court within 10 days after the filing of the original or amended motion, and shall be determined by the court within 20 days after the filing of the original or amended motion, ETC." Section 11 - "The notice of appeal shall be in writing and filed with the Municipal Court no later than the 10th day after the motion for new trial is overruled, ETC. This was and is not done by Judge Dunn so help me God...

4. FRC1VP 59 - Motion for a new trial:

1. "A request that the judge set aside the judgment and order a new trial on the basis that the trial was improper or unfair due to specified prejudicial errors that occurred.
2. Motion in Limine:
"A written motion which is

usually made before or after the beginning of a jury trial for a protective order against prejudicial questions and statements. Robinson v. State Ind. App., 309 N.E. 2D 833, 854. Purpose of such motion is to avoid injection into trial of matters which are irrelevant, in admissible and prejudicial and granting of motion cannot be error. Redding v. Ferguson, Texas. Civ. App., 501 S.W. 2D 717.724.

5. Texas Rule 168 - Part 2:

1. "Denial of motion for discovery and production of documents and sustaining objections to certain interrogatories submitted was not shown to be prejudicial to defendants who did not show that trial court had fact issues to determine or show purpose for which information was sought. Rankin v. Kellam, Civ. App. 1965, 388 S.W. 2D 306, ref. N.R.E."

2. Texas Rule 169 - Part 2:

"Where defendants failed to answer request for admission of fact by Plaintiff, court of civil appeals treated such fact as admitted and held evidence to contrary without effect - Weaver v. Weaver, Civ. App. 1943, 171 S.W. 2D 898 ref. W.M."

Preamble

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic

tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Ten Original Amendments also called Bill of Rights. They were declared enforce 12-15-1791...

Article 1

"Religious Establishment Prohibited, Freedom of Speech, of the Press, and Right to Petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the Freedom of Speech or of the Press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Article 5

"Provision concerning prosecution, Trial and Punishment private property not to be taken for public use, without just compensation. No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in case arising in the Land or Naval Forces, or in the Militia, when in Actual Service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he compelled in any criminal case to be a witness against himself, nor deprived of life,

liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Article 7

"Right of Trial By Jury in suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of Trial By Jury shall be preserved, and no fact tried By a Jury shall be otherwise re-examined in any court of the United States than according to the rules of the Common Law."

Article 8

"Excessive Bail or Fines and Cruel Punishment Prohibited - Excessive bail shall not be required, nor excessive fives imposed, nor cruel and unusual punishments inflicted."

Article 9

"Rule of Construction Of Constitution - The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Article 10

"Rights of States Under Constitution - The powers not delegated to the United States, are reserved to the state respectively, or to the people."

Article 13

"Slavery Abolished - The following

Amendment was proposed to the Legislatures of the several states by the Thirty-Eighth Congress on the 1st of February, 1865, and was declared to have been ratified in a proclamation by the Secretary of State dated 12-18-1865. It was rejected by Delaware and Kentucky: was conditionally ratified by Alabama and Mississippi; and Texas took no Action."

1. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction:

2. Congress shall have power to enforce this Article by appropriate legislation."

Article 14

"Citizenship Rights Not To Be Abridged - The following popularly known as the Reconstruction Amendment, was proposed to the Legislatures of the several States by the Thirty-Ninth Congress on the 16th of June, 1866, and was declared to have been ratified in a proclamation by the Secretary of State, dated 7-23-1868. The Amendment got the support of 23 Northern States. It was rejected by Delaware, Kentucky, Maryland, and 10 Southern States. California took no action. Subsequently it was ratified by the 10 Southern States."

1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are

citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without Due Process of the Law, nor deny to any person within its jurisdiction the Equal Protection of the Law."

Article 15

"Equal Rights for white and colored citizens. The following Amendment was proposed to the Legislature of the several state by the Fortieth Congress on the 27th of February, 1869, and was declared to have been ratified in a proclamation by the Secretary of State, dated March 30, 1870. It was not acted on by Tennessee: it was rejected by California, Delaware, Kentucky, Maryland, and Oregon; ratified by the remaining 30 states. New York rescinded its ratification January 5, 1870. New Jersey rejected it in 1870, but ratified it in 1871.

1. The Right of the Citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude, (2) The Congress shall power to enforce the provisions of this Article by appropriate legislation."

Article 19

"Giving Nation-wide Suffrage to Women - The following Amendment was proposed in the Legislatures of the several states by the Sixty-fifth Congress, having been adopted by the House of Representatives, May 21, 1919, and by the Senate June 4, 1919. On August 26, 1920, the United States Secretary of State proclaimed it in effect, having been adopted (June 10,1919 - August 18,1920) by three-quarters of the state. The Tennessee House, August 31, rescinded its ratification, 47 to 24.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.
2. Congress shall have power by appropriate legislation, to enforce the provisions of this Article."

13. Concise statement re my Civil Rights Violations from 1979 to the present containing the factual material for consideration re the Constitutionality of Questions presented as follows:

Petitioner is denied Equal Protection and Due Process of Law by all of the above named parties, above, herein and the records beyond

a shadow of a doubt - so help me God with no strict proof thereof as a Matter of Constitutional Law...

13. A Review of These Judgments As Follows:

Some of these Judgments were and are rendered prior to filing my Civil Rights Complaints in the U.S. District Court -

1. Hud's Final Investigation Reports of 7-29-82 and 8-16-82, ETC...
2. U.S. District Court Orders of - 12-23-82, 1-10-83, 1-17-83, 5-2-91, 5-20-91, 12-20-90, 1-2-91, 7-18-91, 5-17-91, 5-24-91 and 6-17-91, ETC., U.S. 5th Circuit Orders of 9-1-83, 7-9-86 and 7-12-91, 7-11-86 - 2-3-81, and 5-18-81, ETC...
3. J.P. Court Order of - 12-5-89

and Texas Board of Chiropractic Examiners Letter of 5-29-90.

4. 124th District Court Orders of 8-24-90 - 89-537-B and 89-1833-B, now 6:91CV42-91-4591...

5. 188th District Court Orders of 5-21-90 and 10-10-90 in 90-541-A, now 6:91CV42-91-4591...

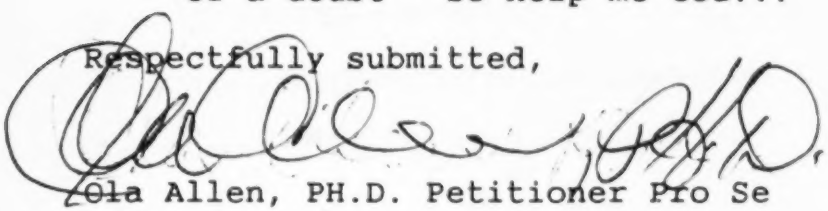
6. Municipal Court Order of 1-12-90 - Without my knowledge, Petitioner found out about 7 months later, ETC. now 6:90-321-CA - 91-4668...

7. Petitioner filed her appeals re my Civil Rights violations in these Civil Actions timely to the U.S. 5th Circuit and this court...

14. Direct and Concise Argument Amplifying the reasons relied on for allowance of the Writ as follows:

The U.S. District Court - Tyler Division and The U.S. 5th Circuit and ETAL departed from the accepted and usual course of Judicial Proceedings in their unofficial capacities and calls for an exercise of this court's power of supervision re my Civil Rights violations from 1979 to the present beyond a shadow of a doubt - so help me God...

Respectfully submitted,



~~Ola~~ Allen, PH.D. Petitioner Pro Se

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1. E.G. (P1. EX. 14. R; 199, 2134) and all pages in the records of Whatsoever Nature...

2. E.G. (J.A. 12), (R. 12) and all pages of Whatsoever Nature...